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REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims are not anticipated under 35 U.S.C. § 102 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action.

Proprietary of Restriction

The applicant continues to traverse the restriction of the claims of Group II (claims 24-27) for the reasons set forth in the response filed on February 24, 2005. The applicant requests that these claims be examined.

Rejections under 35 U.S.C. § 102

Claims 1, 6-16 and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,007,074 ("the Radwin patent"). (The applicant notes that although the Examiner rejected claim 24 on page 3 of the outstanding Office Action, it is believed the

Examiner intended to reject claim 23, as well as claims 28 and 33-43, since claim 24 has been withdrawn and since claims 23, 28 and 33-43 are addressed in the rejection.) The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Before addressing at least some of the patentable features of the claimed invention, the Radwin patent is introduced. The Radwin patent concerns serving both "immediate" ads, and "time-dependent" ads. An immediate ad is presented to a user with an associated search results page, while a time-dependent ad is provided with a web page presented to a user after the display of the search results page (until a period of time expires). (See, e.g., the Abstract.) An immediate ad is determined based on a current search query, while a time-dependent ad is determined based on past search query information of a user, stored in a user profile.

Immediate (also referred to as "keyword targeted") ads may be determined as follows. One or more received search terms are matched against keyword terms stored in an advertisement database (See, e.g., the search term index 24 of Figure 4 and the ad repository 20 of Figure 5.) to determine which advertisement will be presented as an immediate (i.e., keyword) advertisement. Such matching is performed, for example, by comparing each character of a text string representing the search terms with that of a text string representing the stored keyword terms. In determining the immediate (i.e., keyword) advertisement, matching is limited to those advertisements which are designated as keyword advertisements. (See, e.g., the keyword flags 45 that

are "set" in Figure 5.) The search term index 24, used to provide immediate advertisements, is organized as a table of match tags 27 and a list of numbers 29 which correspond to advertisement types. Advertisement types and keyword match tags ***are placed in the search term index and advertising repository*** corresponding to appropriate match tags 27 ***by an editorial staff using the experience and suggestions of advertisers***. (See, e.g., col. 7, lines 52-62). Furthermore, in some cases the editorial staff also evaluates each advertisement submission and adds a keyword flag for immediate presentation with the search results page and/or an advertising importance weight value. (See, e.g., col. 8, line 67 to col. 9, line 3). Finally, search results, generated by a search engine 52 for example, are presented to the user along with the determined immediate ad.

As can be appreciated from the foregoing, the Radwin patent does not describe searching and retrieving advertiser information from searchable data structures which contain information automatically extracted exclusively from identified advertiser Web pages. Thus, in the Radwin patent, targeting information must be expressly entered. Further, the Radwin patent does not describe using Web page identifiers included in advertisement search results to retrieve one or more advertisements.

Having introduced the Radwin patent, at least some of the patentable features of the claimed invention are discussed.

First, since claim 1 has been canceled, this ground of rejection is rendered moot with respect to this claim.

Claim 6 has been rewritten in independent form to include the features of canceled claim 1. Similarly, claim 10 has been rewritten in independent form to include the features of canceled claim 1. Claims 7-9, 12 and 15 have been amended and depend from claim 10. Further, claim 13 has also been rewritten in independent form to include the features of canceled claim 1. Finally, claim 14 has been amended to depend from claim 13.

Claim 6

Independent claim 6 is not anticipated by the Radwin patent because the Radwin patent does not teach that a searchable data structure, which includes the advertiser Web page information, includes information ***automatically extracted exclusively*** from identified advertiser Web pages. In rejecting original claim 6 which recited this feature, the Examiner cites col. 5, lines 17-20 and col. 6, lines 15-18 of the Radwin patent as teaching this feature. The applicant respectfully disagrees.

First, lines 17-20 of col. 5 of the Radwin patent concern the generic use of search terms to find advertisements in an advertisement repository. Nowhere does Radwin teach or suggest the searchable data structure is generated from information ***extracted automatically and exclusively*** from the identified advertiser Web pages. As discussed above, the search term index 24 (which the Examiner characterizes as the claimed searchable data structure) used to provide immediate advertisements is organized as a table of match tags 27 and a list of numbers 29 which correspond to

advertisement types. Advertisement types and keyword match tags are ***placed in the search term index and advertising repository*** corresponding to appropriate match tags 27 ***by an editorial staff using the experience and suggestions of advertisers***. (See, e.g., col. 7, lines 52-62). Therefore, these advertisement types and keyword match tags are not extracted automatically and exclusively from the identified advertiser Web pages as recited in claim 6. Rather, they are manually input by an editorial staff as they see fit.

Furthermore, lines 15-18 of col. 6 of the Radwin patent, cited by the Examiner to reject claim 6, merely concern the form of a static page URL and do not teach the elements recited in claim 6.

Thus, independent claim 6 is not anticipated by the Radwin patent for at least the foregoing reasons.

Claims 7-12, 15 and 16

Independent claim 10 is not anticipated by the Radwin patent because the Radwin patent does not teach that the searchable data structure includes entries, each including a term and one or more advertisement Web page identifiers. In rejecting original claim 10 which recited this feature, the Examiner cites "a list of numbers 29", which is included in the search term index in the Radwin patent, as teaching the claimed Web page identifiers. The applicant respectfully disagrees.

The list of numbers 29 in the Radwin patent correspond to "Advertiser Types" which are merely category headings. They are not specific Web page identifiers which identify a specific advertiser or an

advertiser Web page. Examples of Advertiser Types in the Radwin patent include Apparel, France, Vacation, Footwear, Auto Rentals, etc. Conversely, an example of a Web page identifier in the present application is the actual URL of an advertisement or an advertiser Web page. Furthermore, the Advertiser Types in the Radwin patent are manually created, and advertisements are assigned categories in a separate advertiser repository. Since, Advertisement Types and keyword match tags are categories and keywords, not Web page identifiers, the Radwin patent does not teach the features of claim 10.

Thus, independent claim 10 is not anticipated by the Radwin patent for at least the foregoing reasons. Since claims 7-9, 11, 12, 15 and 16 depend from claim 10 they are similarly not anticipated by the Radwin patent.

Claims 13 and 14

Independent claim 13 is not anticipated by the Radwin patent because the Radwin patent does not teach that advertisements can be retrieved without consideration of expressly entered targeting information. In rejecting original claim 13, the Examiner cited col. 8, lines 8-17 in the Radwin patent as teaching this feature. The cited lines in the Radwin patent concern the use of the search term index to identify relevant Advertiser Type, but do not address how these Advertiser Types are assigned to the relevant advertiser and their advertisements. However, col. 7, lines 52-62 in the Radwin patent (as well as other sections) states that Advertisement Types and keyword match tags ***are placed in the search term index and advertising repository***

corresponding to appropriate match tags 27 ***by an editorial staff using the experience and suggestions of advertisers***. Furthermore, in some cases the editorial staff also evaluates each advertisement submission and adds a keyword flag for immediate presentation with the search results page and/or an advertising importance weight value. (See, e.g., col. 8, line 67 to col. 9, line 3). On the other hand, a method consistent with claim 13 allows advertisers to put targeted ads on, or to serve ads in association with, various content such as search results pages, Web pages, e-mail, etc., ***without requiring the advertiser to enter and/or maintain certain targeting information,*** such as keyword targeting which tends to be time consuming, costly, and cumbersome. (See, page 4, lines 13-18 of the specification of the present application). Thus, independent claim 13 is not anticipated by the Radwin patent for at least this reason. Since claim 14 depends from claim 13, it is similarly not anticipated by the Radwin patent.

Claim 23

Independent claim 23 is not anticipated by the Radwin patent because the Radwin patent does not teach the combination of query processor, a first index which includes information derived from the world wide web, and a second index which includes information derived ***exclusively*** from the identified advertiser Web pages. In rejecting claim 23, the Examiner again cites the search term index 24 as shown in Fig. 2 in the Radwin patent as teaching this feature. Nowhere does Radwin teach or suggest the searchable data structure is generated from

information derived ***exclusively*** from the identified advertiser Web pages. As discussed above, the search term index 24 (which the Examiner characterizes as the claimed second index), used to provide immediate advertisements, is organized as a table of match tags 27 and a list of numbers 29 which correspond to advertisement types. Advertisement types and keyword match tags ***are placed in the search term index and advertising repository*** corresponding to appropriate match tags 27 ***by an editorial staff using the experience and suggestions of advertisers***. (See, e.g., col. 7, lines 52-62). Therefore, these advertisement types and keyword match tags are not derived exclusively from the identified advertiser Web pages as claimed. Rather, they are manually input by an editorial staff as they see fit.

As can be appreciated from the foregoing, independent claim 23 is not anticipated by the Radwin patent.

Claims 28 and 33-43

The applicants note that the Examiner did not properly interpret the means-plus-function elements of independent claim 28. These elements must be construed under 35 U.S.C. § 112, ¶ 6 as covering "the corresponding structure, material, or acts described in the specification and equivalents thereof." The Examiner impermissibly ignored this structure. As the Court of Appeals for the Federal Circuit has instructed:

> The plain and unambiguous meaning of paragraph six is that one construing means-plus-function language in a

> claim must look to the specification and interpret that language in light of the corresponding structure, material, or acts described therein, and equivalents thereof, to the extent that the specification provides such disclosure. Paragraph six does not state or even suggest that the PTO is exempt from this mandate, and there is no legislative history indicating that Congress intended that the PTO should be. 3 Thus, this court must accept the plain and precise language of paragraph six. See Mansell supra; see also Diamond v. Chakrabarty, 447 U.S. 303, 308 [206 USPQ 193] (1980) ("courts 'should not read into the patent laws limitations and conditions which the legislature has not expressed' "), quoting United States v. Dubilier Condenser Corp., 289 U.S. 178, 199 [17 USPQ 154] (1933). Accordingly, ***because no distinction is made in paragraph six between prosecution in the PTO and enforcement in the courts, or between validity and infringement, we hold that paragraph six applies regardless of the context in which the interpretation of means-plus-function language arises, i.e., whether as part of a patentability determination in the PTO or as part of a validity or infringement determination in a court***. To the extent that In re Lundberg, 244 F.2d 543, 113 USPQ 530 (CCPA 1979), In re Arbeit, 206 F.2d 947, 99 USPQ 123 (CCPA 1953), or any other precedent of this court suggests or holds to the contrary, it is expressly overruled. [Emphasis added.]

In re Donaldson Co. Inc., 29 U.S.P.Q.2d 1845, 1848 (Fed. Cir. 1994). Accordingly, the Examiner has not made a

prima facie showing of anticipation of independent claim 28 for at least this reason.

Furthermore, the means for searching and means for retrieving described in the specification are not the same as, nor are they equivalent to, the structure discussed in the Radwin patent. Thus, independent claim 28 is not anticipated by the Radwin patent for at least these reasons. Since claims 33-43 depend from claim 28, they are similarly not anticipated by the Radwin patent.

Rejections under 35 U.S.C. § 103

Claims 2-5, 29-32 stand rejected under 35 U.S.C. § 103(a) as being patentable over the Radwin patent in view of U.S. Patent No. 5,915,249 ("the Spencer patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner concedes that the system described in the Radwin patent does not teach that the searchable data structure is an inverted index. In an attempt to overcome for this admitted deficiency, the Examiner notes that the Spencer publication discloses a searchable data structure as an inverted index. Even assuming arguendo that Spencer does teach a similar inverted index, and one skilled in the art would have been motivated to combine the references as proposed by the Examiner, since claims 2-5 and 29-32 depend from claims 10 and 28, respectively, and since the Spencer patent does not compensate for the deficiencies of the Radwin patent with respect to claims 10 and 28, these claims are not rendered obvious by the

Radwin and Spencer patents for at least the reasons discussed above with reference to claims 10 and 28.

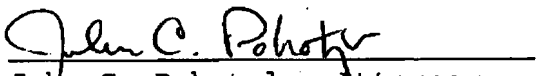
Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Any arguments made in this amendment pertain ***only*** to the specific aspects of the invention ***claimed***. Any claim amendments or cancellations, and any arguments, are made ***without prejudice to, or disclaimer of***, the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

May 29, 2007



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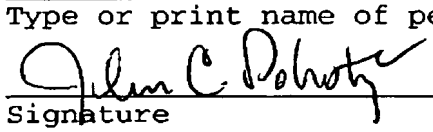

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